IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil Contempt Petition No. 222 of 2006

Sayeed Ahmad
S/o Mohammad Saddique
Post Office Jaspur
District Udhamsingh Nagar. .....Petitioner

Versus

1. Shri S.K. Maheshwari
   Director of Education
   Dehradun.
2. Sri Satyanarain
   Former Additional District Education Officer
   (Basic) At present- Principal Baghwala
   Inter College, Rudrapur (Udhamsingh Nagar)
3. Rajai Singh Yadav
   Additional District Education Officer (Basic)
   Rudrapur (Udhamsingh Nagar).....Respondents.

Shri T.A. Khan, learned counsel for the petitioner

Hon'ble Prafulla C. Pant, J.

Heard learned counsel for the petitioner.

2. This petition is moved, complaining the disobedience of this Court's order dated 02.08.2003 passed in writ petition No. 794 (S/B) of 2002.

3. The operative portion of said order reads as under:-

"*The petition, therefore, succeed partly and a writ in the nature of mandamus directing and commanding the respondents to recognize the*

certificate of Moallim-E-Urdu equivalent to B.T.C. (Urdu)for the recruitment against the appropriate posts of those petitioners who have obtained certificate prior to 11.08.1997. No order as to costs."

4. This contempt petition has been moved after more than 2 $^{1}/_{2}$ years, as such appears to be barred by time in view of provision of Section 20 of Contempt of Courts Act, 1971. Apart from above fact, from the contents of the contempt petition it appears that some of the petitioners of the aforesaid writ petition, have been given appointment and certificate of Moallim-E-Urdu has been recognized equivalent to B.T.C. (Urdu). There is no direction to give appointment to each and every petitioner. The grievance of the petitioner is that he has been discriminated as against others who have been given appointment. The petitioner may seek remedy available to him if he is aggrieved by order of the government in giving appointment to some person or denying to the petitioner. But as far as the question of wilfull disobedience of Court's order dated 02.08.2003, is concerned, there appears no wilfull disobedience on the part of the respondent.

5. Therefore, the contempt petition is dismissed in limine with the observation that the petitioner may seek the remedy under the law if available to him.

(Prafulla C. Pant, J.)

Dt.07.08.2006
Sweta